

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA
Plaintiff/Respondent,

CRIM CASE NO: 03-CR-80139

HON. ROBERT H. CLELAND

v.

CHRISTOPHER LEE BENSON,
Defendant/Petitioner.

ORDER DENYING DEFENDANT'S MOTION FOR MODIFICATION OF
SENTENCE UNDER TITLE 18 USC §3582 (R. 92)

On or about May 28, 2013, Defendant Benson, pro se, sought relief from his sentence based upon the decision of a panel of the Sixth Circuit Court of Appeals in *U.S. v Blewett*, 719 F. 3d 482 (6th Cir. 2013), which held that a defendant sentenced before the adoption of the FSA (Fair Sentencing Act) was entitled to seek retroactive application of the Act and a reduction in the guidelines used for sentencing in certain criminal drug offenses (R. 92: Motion).

On December 3, 2013, the decision of that panel was reversed *en banc*, *United States v Blewett*, 746 F. 3d 647, 651 (6th Cir. 2013). The Sixth Circuit Court held that the Fair Sentencing Act does not retroactively undo final sentences, *United*

States v Blewett, 746 F. 3d 647, 651 (6th Cir. 2013) (“The Act simply does not apply to individuals sentenced before its effective date...”).

Because Defendant Benson was originally sentenced on February 11, 2004 (R. 31: Judgment), then re-sentenced on July 19, 2005 (R. 62: Judgment), his sentence(s) occurred prior to the effective date of the Fair Sentencing Act and therefore, he is not entitled to relief pursuant to Title 18, United States Code, Sec. 3582.

IT IS ORDERED, Defendant’s motion for modification of sentence is DENIED.

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: August 17, 2018

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, August 17, 2018, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(810) 292-6522